

Notice of Allowability

Application No.

10/710,275

Examiner

Jurie Yun

Applicant(s)

DUNHAM, BRUCE MATTHEW

Art Unit

2882

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment and IDS filed 1/9/06.
2. ☒ The allowed claim(s) is/are 1-17;19-27 and 29.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 1/9/06
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION

1. The amendment filed 1/9/06 has been entered.

Response to Arguments

2. Applicant's arguments filed 1/9/06 with respect to claims 1-29 have been fully considered and are persuasive. The rejection of claims 1-29 has been withdrawn.

Allowable Subject Matter

3. Claims 1-17, 19-27, and 29 are allowed.
4. The following is an examiner's statement of reasons for allowance: Prior art fails to disclose an electron emitter assembly comprising a photo-responsive device disposed in the housing configured to receive the light passing through the light receiving window, the photo-responsive device operably coupled to an electron emitter device, the photo-responsive device applying a voltage to the electron emitter device in response to receiving the light to induce the electron emitter device to emit electrons, as claimed in claim 1. Claims 2-8 are allowed due to their dependency on claim 1. Prior art fails to disclose the corresponding method of claim 1, as claimed in claim 23. Claims 24-26 are allowed due to their dependency on claim 23.

Prior art fails to disclose an electron emitter assembly comprising a plurality of photo-responsive devices disposed in the housing configured to receive the light passing through the light receiving window and a plurality of electron emitter devices disposed in the housing, each photo-responsive device being operably coupled to a corresponding electron emitter device, each photo-responsive device applying a voltage to the electron emitter device to induce the corresponding electron emitter device to

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emit electrons in response to the photo-responsive device receiving at least a portion of the light, as claimed in claim 9. Claims 10-16 are allowed due to their dependency on claim 9.

Prior art fails to disclose an electron emitter assembly comprising a first light source configured to emit light having a first wavelength, and a second light source configured to emit light having a second wavelength, first and second photo-responsive devices operably coupled to an electron emitter device, the electron emitter device including a first electron emitter subassembly and a second electron emitter subassembly, the first photo-responsive device inducing the first electron emitter subassembly to emit electrons in response to receiving the light having the first wavelength, the second photo-responsive device inducing the second electron emitter subassembly to emit electrons in response to receiving the light having the second wavelength, as claimed in claim 17. Claims 19-22 are allowed due to their dependency on claim 17. Prior art fails to disclose the corresponding method of claim 17, as claimed in claim 27. Claim 29 is allowed due to its dependency on claim 27.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jurie Yun whose telephone number is 571 272-2497.


The examiner can normally be reached on Monday-Friday 8:30-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ed Glick can be reached on 571 272-2490. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jurie Yun
March 10, 2006



EDWARD J. GLICK
SUPERVISORY PATENT EXAMINER